

SEYFARTH SHAW LLP  
Kristina M. Launey (SBN 221335)  
klauney@seyfarth.com  
Michael W. Kopp (SBN 206385)  
mkopp@seyfarth.com  
Phillip J. Ebsworth (SBN 311026)  
pebsworth@seyfarth.com  
400 Capitol Mall, Suite 2350  
Sacramento, California 95814-4428  
Telephone: (916) 448-0159  
Facsimile: (916) 558-4839

Attorneys for Defendant  
WINCO HOLDINGS, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HUGO GOMEZ, on behalf of himself and  
others similarly situated,

Plaintiff,

v.

WINCO HOLDINGS, INC., an Idaho  
Corporation; and DOES 1-10, inclusive,

Defendants.

Case No. 2:24-cv-00380-TLN-CKD

**STIPULATION AND ORDER TO EXTEND  
TIME TO RESPOND TO INITIAL  
COMPLAINT**

**Action Filed:** October 25, 2023

**Complaint Served:** January 2, 2024

**Original Response Date:** February 8, 2024

**New Stipulated Response Date:** March 7, 2024

**THE UNDERSIGNED PARTIES STIPULATE** through their respective counsel, that the deadline for Defendant WinCo Holdings, Inc. (“WinCo”) to file its motion to dismiss be continued, pending the Court’s ruling on WinCo’s pending motion to dismiss in the related case (*Gomez v. WinCo Holdings, Inc.*, USDC No.2:23-cv-02024-TLN-DB). Further background is provided below.

1. Plaintiff’s related **putative class action**, *Hugo Gomez, on behalf of himself and others similarly situated v. WinCo Holdings, Inc., et al.*, Case No. 2:23-CV-02024-TLN-DB (the “putative class action”) is currently pending before this court.

2. The **instant PAGA representative action**, *Hugo Gomez on behalf of himself and others similarly situated, v. WinCo Holdings, Inc.*, Case No. CV-23-006280 (the “PAGA

representative action”), is brought under the California Private Attorney General Act, seeking PAGA penalties for the same Labor Code violations at issue in the prior filed putative class action.

3. WinCo filed a motion to dismiss in the **putative class action** on October 23, 2023. That motion is currently pending with the Court.

4. WinCo’s motion to dismiss the Complaint in this related **PAGA representative action** would raise similar issues and arguments as found in the currently pending motion to dismiss in the putative class case.

5. As a matter of judicial economy, the parties therefore stipulate that WinCo’s deadline to file its motion to dismiss in this PAGA representative action be continued pending the ruling on the motion to dismiss in the related putative class case.

**IT IS SO STIPULATED.**

DATED: February 29, 2024

SEYFARTH SHAW LLP

By: /s/ Michael W. Kopp

Kristina M. Launey  
Michael W. Kopp  
Phillip J. Ebsworth

Attorneys for Defendant  
WINCO HOLDINGS, INC.

DATED: February 29, 2024

BRADLEY/GROMBACHER, LLP

By: /s/ Lirit King (as authorized on 2-29-24)

Lirit King  
Marcus Bradley

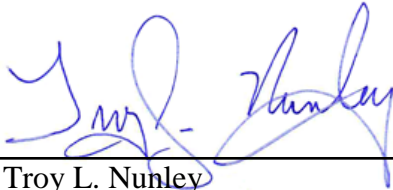
Attorneys for Plaintiff  
HUGO GOMEZ

**ORDER**

The Court, having fully considered the Parties' Stipulation, HEREBY ORDER as follows:

Defendant's deadline to respond to Plaintiff's Complaint is continued pending the Court's ruling on WinCo's motion to dismiss in the related putative class action case, *Hugo Gomez, on behalf of himself and others similarly situated v. WinCo Holdings, Inc., et al.*, Case No. *WinCo Holdings, Inc., et al.*, Case No. 2:23-CV-02024-TLN-DB.

DATED: March 1, 2024

  
\_\_\_\_\_  
Troy L. Nunley  
United States District Judge